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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,018	11/16/2000	Harry Thomas Kloor	18822-11	5553

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EXAMINER

MCCLELLAN, JAMES S

ART UNIT PAPER NUMBER

3627

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/714,018

**Applicant(s)**

KLOOR, HARRY THOMAS

**Examiner**

James S McClellan

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-57 and 59-62 is/are pending in the application.
- 4a) Of the above claim(s) 49 and 50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48, 51-57, and 59-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Amendment*

1. Applicant's submittal of an amendment on 1/27/05 was entered, wherein:
  - claims 1-57 and 59-62 are pending;
  - claims 49-50 have been withdrawn in a previous response;
  - claim 58 has been canceled; and
  - claims 1, 6, 17, 18, 20, 39, 41, 42, 56, and 59 have been amended.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10, 12, 16, 18-27, 29-31, 33, and 56, 57, and 59-62 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,330,550 (hereinafter "Brisebois").

Regarding **claim 1**, Brisebois discloses a method for authorizing a transaction comprising: sending, receiving, and storing contact information (stored in profile DB 140, see column 3, lines 14-40); entering into a transaction (see step 430 in Figure 4); sending the authorization request (see step 450 in Figure 4); receiving the authorization request and sending a response (see column 3, line 49 - column 4, line 3); receiving the response and completing the

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transaction (see column 3, lines 40-54); **[claims 2-4, and 12]** over the Internet (see 270 in Figure 2) using email, a telephone line (see column 3, lines 49-54), or a wireless system/personal communication device (see Pager 250 in Figure 2); **[claims 6-7]** credit card purchase at an online store (see column 3, lines 28-40); **[claims 8-10]** a soft-card software for authorization (see column 3, line 40 - column 4, line 3); and **[claim 16]** information is entered into a website (see column 3, lines 4-14).

Regarding **claim 18**, Brisebois discloses a method for allowing only an owner to approve of a transaction comprising: acquiring contact information; receiving a request to authorize; using the contact information to send the request; and sending approval (see detailed analysis set forth for claim 1); **[claim 19]** contact information is an Internet address of the owner (see column 3, lines 64-66); and **[claims 20-27, 30, and 31]** as set forth above for claims dependent from claim.

Regarding **claim 56**, Brisebois disclose a method for parties to communicate a transaction as set forth above in detail for claim 1; and **[claim 57]** the contact information is an IP address (see column 4 lines 55-63).

Regarding **claim 59**, Brisebois discloses a system for authorizing a transaction, comprising a server (110); a card registered with the server (see column 3, lines 28-40); and **[claims 60-62]** a credit card transaction over the Internet (see column 3, lines 28-40).

Regarding the most recent amendment, Brisebois discloses sending an authorization request to the user from an authorization agent (profile server 110).

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Additionally, regarding the amendment to claim 6, the user transmits the credit card number to the authorization agent (profile server 110) during a setup phase (see column 3, lines 28-40).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11, 17, 28, 36, 37, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brisebois in view U.S. Patent No. 6,055,505 (hereinafter "Elston").

Brisebois discloses all the limitations as set forth above, but fails to disclose requiring a password/PIN.

Elston discloses a password/PIN (see column 3, line 49 - column 4, line 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brisebois with a password/PIN as taught by Elston, because passwords/PINs provided added security to protect confidential information.

6. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brisebois in view of Official Notice.

Brisebois discloses all the limitations as set forth above, but fails to disclose the use of a cellular phone or a PDA as a personal communication device.

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The Examiner takes Official Notice that like pagers, cell phones and PDA's, are old and well known personal communication devices.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brisebois with cell phone and PDA communication, because cell phone and PDA's allow two way communication.

7. Claims 15 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brisebois in view of U.S. Patent No. 5,760,771 (hereinafter "Blonder").

Brisebois discloses all the limitations as set forth above, but fails to disclose the use of an e-signature for an agreement.

Blonder teaches the use of e-signatures (see column 9, lines 24-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brisebois with e-signatures as taught by Blonder, because e-signatures add an additional level of security from fraud.

8. Claim 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brisebois in view U.S. Patent No. 6,330,672 (hereinafter "Shur").

Brisebois discloses all the limitations as set forth above, but fails to disclose the use of a digital watermark.

Shur teaches the use of digital watermarks (see column 2, lines 20-30 and column 4, lines 56-64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brisebois with digital watermarks as taught by Shur, because digital watermarks add an additional level of security from fraud.

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9. Claims 35, 42-46, and 51-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brisebois in view of U.S. Patent No. 6,442,526 (hereinafter "Vance").

Brisebois discloses all the limitations as set forth above, but fails to disclose the owner includes other users that are authorized by the owner.

Vance teaches the use of preapproving employee corporate credit card usage for selected purchases (see column 2, lines 49-60 and paragraph bridging columns 5-6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brisebois with the secondary card users as taught by Vance, because preapproving purchases by employees allows the organization to keep tighter control over spending.

10. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brisebois in view of Elston as applied to claim 36 above, and further in view of Official Notice.

Brisebois discloses all the limitations as set forth above, but fails to disclose that contact information is only established for a predetermined amount of time.

The Examiner takes Official Notice that is old and well known in the art to change PINs or passwords after a predetermined period of time.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brisebois/Elston with changing PINs/passwords, because modifying PINs provides an additional level of security from fraud.

11. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brisebois in view of Elston and Vance.

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Brisebois in combination with Elston disclose all the limitations as set forth above, but fail to disclose the owner includes other users that are authorized by the owner.

Vance teaches the use of preapproving employee corporate credit card usage for selected purchases (see column 2, lines 49-60 and paragraph bridging columns 5-6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brisebois/Elston with the secondary card users as taught by Vance, because preapproving purchases by employees allows the organization to keep tighter control over spending.

12. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brisebois in view of Vance as applied to claim 42 above, and further in view of Official Notice.

Brisebois in combination with Vance disclose all the limitations as set forth above, but fail to disclose an electronic wallet.

The Examiner takes Official Notice that using an electronic wallet for online purchases is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brisebois/Vance with an electronic wallet as is well known in the art, because electronic wallets store important personal and account information in a secure and easy to use format.

13. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brisebois in view of Vance as applied to claim 42 above, and further in view of U.S. Patent No. 6,390,362 (hereinafter "Martin").



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Brisebois in combination with Vance disclose all the limitations as set forth above, but fail to disclose a check with a bar code.

Martin teaches the use of a check with a barcode (see column 4, lines 5-19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brisebois/Vance with check payment with a barcode as taught by Martin, because utilizing a check with a barcode adds an additional level of security to reduce fraud.

### ***Response to Arguments***

14. Applicant's arguments filed January 27, 2005 have been fully considered but they are not persuasive.

On page 11, Applicant's arguments/amendment to overcome 35 U.S.C. § 112 and 35 U.S.C. § 101 rejections have been considered. All rejections under 35 U.S.C. § 112 and 35 U.S.C. § 101 are withdrawn.

On page 12 (similar arguments on page 13, second full paragraph and page 14, third full paragraph), Applicant argues that Brisebois fails to disclose the claimed features of the present invention. The Examiner respectfully disagrees. It appears that Applicant is arguing limitations not found in the claims. More specifically, Applicant argues that Brisebois fails to disclose an authorization agent as read in light of the specification, wherein Applicant argues that the authorization agent necessarily requires the ability to provide final approval of the transaction. Absent an express definition and Applicant's clear indication that he intends to be his own lexicographer, the Examiner is allowed to utilize the broadest reasonable interpretation of the term "authorization agent". In this case, profile server 110 acts as an authorization agent because

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it is the device that communicates with the potential buyer for buyer authorization of the transaction (see column 2, lines 40-43, "the profile server preferably **completes** the transaction"; emphasis added by the examiner).

On page 13, final paragraph (similar arguments on page 14, third full paragraph), Applicant argues that Brisebois fails to disclose transmitting a credit card number to the authorization agent. However, a user transmits credit card number information to the authorization agent (profile server 110) at the time the user initiates service (see column 3, 29-40). Therefore, the step of initiating the transaction includes the necessary step of setting up service by the user with the profile server.

It is noted that Applicant failed to adequately traverse the Examiner's assertions of Official Notice as related the claims set forth above in the final office action. According to MPEP 2144.03, Applicant's inadequate traversal of Official Notice is equivalent to Applicant's admission that the asserted notice is old and well known in the art.

### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

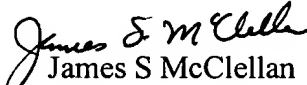
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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S McClellan whose telephone number is (571) 272-6786. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olszewski Robert can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James S McClellan  
Primary Examiner  
Art Unit 3627

jsm  
5/2/05